

## Update: Traffic Benchbook— Third Edition, Volume 1

### CHAPTER 2

#### Civil Infractions

Add the following new sections to Chapter 2, beginning on page 94:

#### 2.23 Failing to Assure Title Transfer When Vehicle Is Sold

##### A. Statute

A person, other than a licensed dealer, who sells a vehicle remains liable for damages or violations of law resulting from the use or ownership of that vehicle unless the person has complied with the requirements of MCL 257.240.\*

MCL 257.240 states, in part:

“(1) The owner of a motor vehicle who has made a bona fide sale by transfer of his or her title or interest and who has delivered possession of the vehicle and the certificate of title to that vehicle properly endorsed to the purchaser or transferee is not liable for any damages or a violation of law that subsequently results from the use or ownership of the vehicle by another, if the owner, other than a licensed dealer, satisfies the conditions prescribed under subsection (2).

“(2) The owner of a motor vehicle, other than a licensed dealer, shall satisfy 1 of the following conditions:

“(a) Accompany the purchaser of the vehicle to a secretary of state branch office to assure that the title of the vehicle being sold is transferred.

“(b) Maintain a record of the sale for not less than 18 months. As used in this subdivision, ‘record of the sale’ means either a photocopy of the reassigned title or a form or document that includes the name, address, driver license

\*Effective  
October 1,  
2005, 2004 PA  
493.

number, and signature of the person to whom the vehicle is sold and the purchase price and date of sale of the vehicle.”

## **B. Civil Sanctions for Failing To Assure Title Transfer When Vehicle Is Sold**

“A person who violates [MCL 257.240](2) is responsible for a civil infraction and shall be ordered to pay a civil fine of \$15.00.” MCL 257.240(3). The general rules for assessing costs apply to violations of MCL 257.240(2). See Section 1.20 of this volume for a discussion of the general rules governing the assessment of costs. In addition to the civil fine and costs, a person who is responsible for violating MCL 257.240(2) must pay a justice system assessment of \$40.00. MCL 257.907(4) and (14).

## **C. Licensing Sanctions for Failing To Assure Title Transfer When Vehicle Is Sold**

No points. MCL 257.320a. The finding of responsibility is not reported to the Secretary of State. MCL 257.732(16)(b).

## **D. Issues**

A person who fails to satisfy either condition in MCL 257.240(2) “is presumed to be the last titled owner and to be liable for towing fees and daily storage fees for an abandoned motor vehicle.” MCL 257.240(4).

# **2.24 Abandoning a Vehicle and Failing to Redeem It Before Disposition**

## **A. Statute**

The vehicle code prohibits vehicle abandonment and penalizes a person who abandons a vehicle *and* fails to redeem the vehicle before it is disposed of according to MCL 257.252g. MCL 257.252a(1).\*

MCL 257.252a states, in part:

“(1) A person shall not abandon a vehicle in this state. It is presumed that the last titled owner of the vehicle is responsible for abandoning the vehicle unless the person provides a record of sale as that term is defined in [MCL 257.]240. A person who violates this subsection and who fails to redeem the vehicle before disposition of the vehicle under section 252g is responsible for a civil infraction and shall be ordered to pay a civil fine of \$50.00.”

For purposes of MCL 257.252a, an abandoned vehicle is

\*Effective October 1, 2005, 2004 PA 495.

- ◆ a vehicle that has remained on private property without the property owner's consent;
- ◆ a vehicle that has remained on public property for not less than 48 hours;
- ◆ a vehicle that has remained on a state trunk line highway for not less than 18 hours if a valid registration plate is affixed to the vehicle; or
- ◆ a vehicle that has remained on a state trunk line highway if there is not a valid registration plate affixed to the vehicle.

MCL 257.252a(2).

The manner in which a vehicle's status is determined and the steps required to provide notice to the last titled owner of the vehicle are outlined in MCL 257.252a(3)–(5). The procedures by which an individual may contest the conclusion that the vehicle is abandoned, challenge the reasonableness of towing and storage fees, or redeem the vehicle before disposition are described in MCL 257.252a(6) and (7).

#### **B. Civil Sanctions for Abandoning a Vehicle and Failing to Redeem It Before Disposition**

A person who abandons a vehicle and fails to redeem it before disposition as provided by MCL 257.252g is responsible for a civil infraction and shall pay a fine of \$50.00 and a justice system assessment of \$40.00. MCL 257.252a(1); MCL 257.907(14). The general rules for assessing costs apply to violations of MCL 257.252a(1). See Section 1.20 of this volume for a discussion of the general rules governing the assessment of costs.

#### **C. Licensing Sanctions for Abandoning a Vehicle and Failing to Redeem It Before Disposition**

No points. MCL 257.320a. The finding of responsibility is not reported to the Secretary of State. MCL 257.732(16)(b).